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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,740

04/16/2004

Yuji Kurosawa

1232-4530US1

8496

27123

7590

06/14/2006

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EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/825,740	Applicant(s) KUROSAWA, YUJI	
	Examiner Md S. Elahee	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,7-14,19 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,7-14,19 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/06/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application has been transferred from examiner Allan Hoosain to examiner Alam Elahee.

Response to Amendment

1. This action is responsive to an amendment filed on 12/16/2005. Claims 5,7-14,19 and 25 are pending.

Response to Arguments

2. Applicant's arguments filed on 12/16/2005 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 5,9,11-12,19,25 are rejected under 35 U.S.C. 102(e) as being anticipated by **Kozuka et al.** (U.S. 5,740,162).

Regarding claims 5,9,11-12,19,25, **Kozuka** teaches a communication apparatus (Figure 1) capable of using a plurality of communication channels comprising:

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a DTE 10 [i.e., setting unit] configured to set a communication scheme in which a user determines whether or not a bulk communication is granted to a communication partner utilizing all of the plurality of communication channels in a sending communication and a receiving communication independently (fig.1; col.4, lines 28-45);

a communication unit configured to conduct the bulk communication and a non-bulk communication with a partner via a plurality of communication channels (fig.1); and

a controller (item 23, fig.1) [i.e., control unit] configured to the number of communication channels in the sending communication and the receiving communication separately in accordance with the communication scheme set by said setting unit enabling the user to control the bulk communication in the sending communication and the receiving communication independently (col.1, lines 5-18, col.2, lines 42-45, col.4, lines 28-45, col.5, lines 1-6).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

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3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 5,7-14,19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Abe** (U.S. 5,555,294) in view of **Kozuka et al.** (U.S. 5,740,162).

Regarding claims 5,9,11-12,19,25, **Abe** teaches a communication apparatus (Figure 2) capable of using a plurality of communication channels comprising:

a setting unit (Figure 4) configured to set a communication scheme to determine whether or not a normal mode [i.e., bulk communication] is granted to a communication partner utilizing all of the plurality of communication channels in a sending communication and a receiving communication independently (Figure 4, label S44);

However, **Abe** fails to teach a setting unit enables a user to determine whether or not a bulk communication is granted utilizing all of the plurality of communication channels. **Kozuka** teaches a DTE 10 [i.e., setting unit] enables a user to determine whether or not a bulk communication is granted utilizing all of the plurality of communication channels (fig.1; col.4, lines 28-45). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Abe** to incorporate a setting unit enables a user to determine whether or not a bulk communication is granted utilizing all of the plurality of communication channels as taught by **Kozuka**. The motivation for the modification is to do so in order to enable a user to make sure whether he has available channel to perform bulk communication.

a communication unit configured to conduct the normal mode [i.e., bulk communication] and a special purpose mode [i.e., non-bulk communication] with a partner via a plurality of communication channels (Figure 4); and

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a control unit configured to the number of communication channels in the sending communication and the receiving communication separately in accordance with the communication scheme set by said setting unit enabling the user to control the bulk communication in the sending communication and the receiving communication independently (Col.5, lines 40-44).

Regarding claims 7-8, 13, **Abe** teaches the apparatus according to Claim 5, wherein said communication unit can communicate with a plurality of communication partners, and said setting unit can set the number of channels used when a communication with another communication partner is to be started while communicating using the communication channels, the number of which is controlled by said control unit (Figures 5 and 6 and Col. 6, lines 33-35).

Regarding claims 10,14, **Abe** teaches the apparatus according to claim 5, wherein said communication unit can communicate using a plurality of schemes, and said setting unit can set whether or not a communication via the plurality of communication channels is granted in each of the plurality of communication schemes (Col. 6, lines 33-38).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kurtz (US 6,888,815) teach Subscriber unit for compressing and transmitting high speed data.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ME

ALAM ELAHEE
PATENT EXAMINER

June 12, 2006



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